

**Minutes of Special Meeting of Athy Municipal District Held
on Tuesday 3rd August 2021 at 2.30 p.m.
At Áras Chill Dara, Devoy Park, Naas, Co. Kildare.**

Members Present: Cllr. Ivan Keatley (Cathaoirleach) Cllr. Aoife Breslin, Cllr. Vera Louise Behan, Cllr. Mark Leigh, Cllr. Brian Dooley.

Officials Present: Emer Uí Fhatharta, A/ Director of Services; Annette Aspell, Director of Services; Mark McLoughlin, A/ Senior Executive Officer; Amy Granville, Senior Planner; Jane O'Reilly, A/Senior Executive Planner; David Jordan, Executive Planner; Anne Louw, Senior Staff Officer; Emma Behan, Clerical Officer.

Cllr. Keatley (Cathaoirleach) welcomed the Members and Officials to the meeting and advised that the Members were here to consider the Draft Athy Local Area Plan 2021 - 2027 and meeting report of 28th July 2021.

Mr. Mark McLoughlin advised the members of their obligations to declare any pecuniary or beneficial interests under Section 177 of the Local Government Act 2001, as amended, and;

Section 20(3) of the Planning and Development Acts 2000 to 2014 (as amended) states that the Members of the Council are restricted to:

- Considering the proper planning and sustainable development of the area to which the development plan/local area plan relates;
- The statutory obligations of the local authority; and
- Any relevant policies or objectives for the time being of the Government or any Minister of the Government.

In addition, the Elected Members, acting in the interests of the common good and the proper planning and sustainable development of the area, must, in accordance with the 'Code of Conduct for Councillors' (July 2019) prepared under the Local Government Act 2001 (as amended), carry out their duties in a transparent manner, must follow due process and must make their decisions based on relevant considerations.

Cllr. Keatley advised the Members that the Meeting Report issued 28th of July 2021 - lists recommendations i.e. proposed material alterations set out in CE Report issued **31st of March 2021** and CE responses and recommendations to a motion received from the Elected Members with respect to the Draft LAP & CE report.

Cllr. Keatley asked all the Members present if they were satisfied that they had had sufficient time to read the meeting report and all the members present agreed that they had. He further advised that the Meeting report lists 48 items & has been prepared using the usual traffic light system as follows

Green: Items which are either a) a recommended proposed material alteration as per the CE report
or b) an agreed amendment on foot of a motion

Amber: Items which are partially agreed with minor amendments, discussion may be required.

Red: Items which are **not** agreed by the Chief Executive.

Ms. J. O'Reilly advised the Members that there are 40 green items which are uncontested and Ms. J. O' Reilly read into the record the item numbers that were uncontested with a brief outline of each:

1, 2, 3, 5, 6, 7, 8, 10,11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 and 47

The Members agreed unanimously to accept the green listed items.

Item No.	Chief Executive's Report	
1.	To note the Chief Executive's report on the submissions received on the Proposed Material Alterations to Draft Athy Local Area Plan 2021–2027, dated 2 nd July 2021 (previously circulated).	Resolved: Noted

Draft Athy Local Area Plan 2021-2027: General LAP

Item No.	Proposed Material Alteration No. 1	
2.	Amend all reference from Tegral to <i>Etex Ireland</i> throughout the Draft Athy Local Area Plan 2021 – 2027.	Resolved: All Members resolved to accept the Chief Executive's recommendation

Chapter 2: Spatial Context and Vision for Athy

Item No.	Proposed Material Alteration No. 2	
3.	Amend the third paragraph of Section 2.1.2 Regional Spatial and Economic Strategy by deleting the text ' Hinterland Areas ' and replacing it with ' <i>Core Region</i> '. Proposed Material Alteration to include any consequential amendments to the Plan, including the replacement of Figure 2.3 with an updated map.	Resolved: All Members resolved to accept the Chief Executive's recommendation

Chapter 3: Compliance with the Kildare County Core Strategy

Item No.	Proposed Material Alteration No. 3	
4.	Insert the following new objective after objective CSO1.2 and renumber subsequent objectives accordingly: CSO1.3 <i>Provide for serviced sites with appropriate infrastructure in accordance with Objective 18(b) of the National Planning Framework (2018), as denoted on Map Ref. 6 Land Use Zoning Map.</i> Note: Map Ref. 6: Land Use Zoning Map will be amended to denote objective CSO1.3 (see PMA Map 11 at end of this report).	Jane O'Reilly advised that this item refers to Proposed Material Alteration No. 3 which is the inclusion of a new objective for a specific site on the Geraldine Road as shown on the zoning map as follows: <i>Provide for serviced sites with appropriate infrastructure in accordance with Objective 18(b) of the National Planning Framework, as denoted on Map Ref. 6 Land Use Map.</i>

		<p>The Office of the Planning Regulator has recommended that this objective and the consequential mapping change <u>is required to be removed</u> from the draft plan for the following reasons:</p> <ul style="list-style-type: none">• It is contrary to the principle of Compact Growth, as provided for in the NPF, RSES and the Draft Plan, as the site is located at a remove from services and infrastructure.• It is contrary to the policies of the Draft Plan regarding the protection of the agricultural zone from encroachment of urban development, and• It is contrary to the provisions of the Section 28 Guidelines for Sustainable Rural Housing as it has the potential to lead to Ribbon Development. <p>Furthermore;</p> <ul style="list-style-type: none">• NPO 18 (b) refers to small towns and villages. Athy is a Self-Sustaining Growth Town and therefore the use of the term is not appropriate at this location.• The strategic environmental assessment carried out for this PMA highlights that this site is not adequately serviced, (i.e. Tier 2) and if developed, it would needlessly extend the built-up area of Athy <p>Having regard to the foregoing, it is the recommendation of the Chief Executive that Proposed Material Alteration No. 3 is not adopted.</p> <p>Amy Granville clarified the County Development Plan currently under review will identify site(s) in small towns in the Athy Municipal District for a pilot scheme for NPO18.</p> <p>Resolved:</p>
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		The Members resolved to accept the Chief Executives recommendation by voting 4 in favour (Cllrs Behan, Breslin, Keatley and Leigh). Cllr. Dooley abstained from the vote.
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5.	Proposed Material Alteration No. 4	
	Insert the following additional objective after objective CSO1.7: CSO1.8 <i>Ensure that projects giving rise to adverse effects on the integrity of European sites (cumulatively, directly or indirectly) arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall not be permitted on the basis of this plan¹.</i>	Resolved: All Members resolved to accept the Chief Executive’s recommendation

Chapter 4: Homes and Communities

Item No.	Proposed Material Alteration No. 5	
6.	Amend text of objective HCO4.1, as follows: HCO4.1 Support and facilitate the provision of <i>both indoor and outdoor</i> multi-functional community facilities to meet the needs of the population of Athy.	Resolved: All Members resolved to accept the Chief Executive’s recommendation

7.	Proposed Material Alteration No. 6	
	Include the following new objective after objective HCO4.5: HCO4.6 <i>To support the provision of new postal facilities and the enhancement of existing facilities, including for operational requirements in Athy, and to facilitate the provision of postal infrastructure at suitable</i>	Resolved: All Members resolved to accept the Chief Executive’s recommendation

¹ Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be: (a) no alternative solution available, (b) imperative reasons of overriding public interest for the plan to proceed; and (c) adequate compensatory measures in place.

	<i>locations within the town, subject to planning and design considerations.</i>	
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Chapter 5: Urban and Retailing

Item No.	Proposed Material Alteration No. 7	
8.	<p>Insert an additional sub objective under objective UCRO1.10, as follows:</p> <p>UCRO1.10 Commence the preparation of a Public Realm Strategy for Athy within twelve months of the adoption of this plan. The strategy should be developed in accordance with the provisions of the Athy Urban Regeneration Framework and implemented on a phased basis over the lifetime of the Plan and beyond. The Strategy should also address the following issues:</p> <ul style="list-style-type: none"> (i) Ensure that the town centre is accessible to all members of the community, including people with disabilities, the elderly and people with young children. (ii) Support and facilitate the delivery of age friendly seating, bus stops and other public realm initiatives identified in the Athy Public Realm Strategy. (iii) Develop a comprehensive car parking plan for the town which will balance the needs of vehicular access to the town centre without compromising the overall quality and visitor experience of the public realm. (iv) Seek to reduce the use of line marking, signage and overhead wiring in the town centre of Athy. <i>(v) Investigate the feasibility of the development/redevelopment of the backlands of the town centre area of Athy in</i> 	<p>Resolved: All Members resolved to accept the Chief Executive’s recommendation</p>

	<p><i>conjunction with the formulation of the Public Realm Strategy.</i></p>	
<p>9. (See Items No. 45 and 46 also)</p>	<p>Proposed Material Alteration No. 8</p> <p>Insert the following new objective after objective UCRO2.3 and renumber subsequent objectives accordingly:</p> <p style="color: red;"><i>UCRO2.4; Any proposal on the land zoned 'R: Retail' shall be subject to a Retail Impact Assessment, which shall be prepared in accordance with the Retail Planning Guidelines, pursuant to Section 28 of the Planning and Development Act 2000 (as amended). This shall include, but not be limited to, demonstrating compliance with the County Development Plan and that there will be no material and unacceptable adverse impacts on the vitality and viability of the town centre through the consideration of alternatives and after the examination of all other town centre sites is exhausted.</i></p>	<p>Chief Executive's Opinion</p> <p>See response to Item No. 46 in this Report which proposes a minor amendment to this Proposed Material Alteration.</p> <p>Chief Executive's Recommendation</p> <p>Amend Proposed Material Alteration No. 8 as follows:</p> <p style="color: blue;"><i>UCRO2.4 In the event that proposals for new retail development on the regeneration site identified in Figure 3.15 of the Urban Regeneration Framework are unsuccessful, resulting from a planning application, Aany proposal on the land zoned 'R: Retail' for large scale convenience retail development on lands adjoining the town centre shall be considered, subject to a Retail Impact Assessment. This assessment which shall be prepared in accordance with the Retail Planning Guidelines, pursuant to Section 28 of the Planning and Development Act 2000 (as amended). This shall include, but not be limited to, demonstrating compliance with the County Development Plan and that there will be no material and unacceptable adverse impacts on the vitality and viability of the town centre through the consideration of alternatives and after the examination of all other town centre sites are is exhausted.</i></p> <p>Items No. 9, 45 and 46 agreed to be taken together Jane O'Reilly advised that these 3 items refer to</p>

		<ul style="list-style-type: none">• Proposed Material Alterations No. 8,• Proposed Material Alteration No. 44, and• The Joint Motion received from Cllrs. Keatley, Breslin, Behan, Dooley and Leigh. <p>The subject matter is the re-zoning of land (2.4ha) to the west of the town (on a site located off the N78) from Industry and Warehousing to 'Retail', the inclusion of a new Retail objective in the Zoning matrix and the inclusion of a new objective regarding the need for a Retail Impact Assessment.</p> <p>A detailed response to the Motion is given in the Meeting Report on pages 31 to 35. The response highlights the following:</p> <ul style="list-style-type: none">• The Regeneration Strategy concludes that the Leinster Street regeneration site has the best potential for redevelopment within the life of the Plan in terms of consistency with strategic planning and retail policy, accessibility, deliverability, sustainability, its potential to contribute to the meaningful regeneration of the town and its potential to improve the vitality and viability of the town centre.• The Leinster Street site is the evidence based and plan-led solution. <p>The OPR recommends that <u>the planning authority is required to delete the</u> proposed re-zoning from Industry and Warehousing to Retail at this location for the following reasons:</p> <ul style="list-style-type: none">• The site is considered to be 'out of centre' and therefore it's inconsistent with the sequential approach to retail planning, as provided for in the Section 28 Retail Planning Guidelines.• It is inconsistent with the objectives of the Draft Plan regarding retail development and regeneration in the town centre.
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		<p>Having regard to all the foregoing, it is the Chief Executive’s recommendation that Proposed Material Alteration No. 44 (i.e. the re-zoning proposal) is not adopted.</p> <p>In acknowledgement of the Motion received, and to address the intention of the motion, it is recommended that the Proposed material Alteration No. 8 – which refers to an objective regarding Retail Impact Assessments –is adopted only as amended in response to the Motion received.</p> <p>Amy Granville read the minor medication to proposed material alteration No. 8 to clarify it for the Members.</p> <p>Cllrs. Breslin, Behan and Keatley acknowledged the need for Athy to develop from the town centre out and were satisfied with the minor amendment.</p> <p>Resolved;</p> <p>The Members resolved, with all Members voting in favour, to accept the Chief Executive’s recommendation.</p>
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Chapter 6. Economic Development, Enterprise and Tourism

Item No.	Proposed Material Alteration No. 9	
10.	<p>Amend the third paragraph of Section 6.5.1 of the draft Plan, as follows:</p> <p>It is considered that a longstanding obstacle to achieving improved utilisation of the waterways in the town is the deficit in safe and convenient mooring facilities. Boats and barges are being restricted in their ability to moor in Athy and this is a major disincentive to considering the town as a stopover location. <i>Athy has witnessed substantial growth in boating tourism in recent years. This regularly results in over demand for berths on all town centre mooring facilities. To accommodate this demand, and the predicted future growth, a major upgrade of the current in-place facilities is needed. In addition, investment to dramatically expand the number of berths and moorings available is essential.</i> The development of a marina, or at least the expansion of the existing mooring facilities is <i>considered</i> an essential <i>requirement</i> piece of infrastructure that is required in order to maximise the possibilities presented by the increase of tourism activities based around Athy’s waterways with the completion of the Barrow Blueway.</p>	<p>Resolved: All Members resolved to accept the Chief Executive’s recommendation</p>
11.	<p>Proposed Material Alteration No. 10</p> <p>Insert the following new objective after objective EDTO3.3 and renumber subsequent objectives accordingly:</p> <p><i>EDTO3.4 Support and facilitate the development of angling activities and supporting infrastructure, including the provision of wheelchair friendly stands in Athy, subject to appropriate environmental assessments.</i></p>	<p>Resolved: All Members resolved to accept the Chief Executive’s recommendation</p>
12.	<p>Proposed Material Alteration No. 11</p> <p>Amend Section 6.5.4 of the draft Plan, as follows:</p>	<p>Resolved:</p>

	<p>This Plan has identified a number of projects and proposals which, if realised, over the life of the Plan and beyond have the potential to have a transformative effect in the improvement of Athy’s tourist offer in the town and the promotion of the town as a <i>Blueway tourism key visitor destination town</i>.</p> <p>The Plan, through its various policies, objectives and actions supports and promotes the following tourism development projects/proposals:</p> <ul style="list-style-type: none"> • The development of the Barrow Blueway, subject to the appropriate environmental considerations and assessment. • <i>The development of new waterways amenities infrastructure including pontoons, kayak friendly jetties, triathlon/swim entry/exit points and other waterways amenities infrastructure, subject to the appropriate environmental considerations and assessment.</i> • The rejuvenation of Athy’s public realm as part of an overall Urban Regeneration Framework (see Appendix 1) • The delivery of the masterplan proposals for the Dominican Square and Blueway Sports Hub / Education Centre. • The enhancement of the walking routes and trails in the town including Athy Slí Na Sláinte route and the creation of other dedicated Tourist Trail(s). • The redevelopment and expansion of Athy Heritage Centre – Shackleton Museum 	<p>All Members resolved to accept the Chief Executive’s recommendation</p>
<p>13.</p>	<p>Proposed Material Alteration No. 12</p> <p>Amend objective EDTO3.2, as follows: EDTO3.2 Support and facilitate the development of Athy as <i>a Blueway destination town and</i> an ‘activity hub’ for water-based sports and associated recreational activities including the</p>	<p>Resolved: All Members resolved to accept the Chief Executive’s recommendation</p>

	development of a Blueway Sports Hub/Education Centre within the Dominican lands, subject to the required environmental assessments.	
14.	Proposed Material Alteration No. 13 Amend objective EDTO3.3, as follows: EDTO3.3 <i>Acknowledge the importance and potential of Athy's waterways and its water sports clubs by supporting</i> Support the development of the necessary infrastructure to service the expansion of water-based activities in the town, including safe and convenient mooring facilities, subject to the required environmental assessments.	Resolved: All Members resolved to accept the Chief Executive's recommendation

Chapter 7: Movement and Transport

Item No.	Proposed Material Alteration No. 14	
15.	Amend text in objective MTO1.5, as follows: MTO1.5 Support the creation of new pedestrian and cycle links across the River Barrow that enhance connectivity in the area and link residential areas, the town centre, community facilities and public spaces/amenities as proposed under the Athy Area Based Transport Assessment. <i>In particular, WN6 (as outlined in Table 7.1 and Map 1.1), which provides for a bridge over the River Barrow at Barrack Lane/Woodstock to Stanhope Street/R417, should be prioritised for delivery.</i> The final design details <i>of all new links across the River Barrow</i> shall be subject to the appropriate environmental assessment and public consultation.	Resolved: All Members resolved to accept the Chief Executive's recommendation

16.	<p>Proposed Material Alteration No. 15</p>	
	<p>Insert the following new objective after objective MTO 1.8: <i>MTO1.9 Protect, maintain and upgrade the existing pedestrian connection between St John’s Lane and Greenhills (WE6 and CL19) as identified on Map 1.1 and 1.2. Where redevelopment of the lands is proposed, priority shall be given in the overall design to the maintenance and upgrade of this route with maximum passive supervision, including lighting as appropriate, addressing its full length.</i></p>	<p>Resolved: All Members resolved to accept the Chief Executive’s recommendation</p>
17.	<p>Proposed Material Alteration No. 16</p>	
	<p>Insert the following text as a final paragraph under Section 7.8 Roads and Streets Network: <i>“The Plan will seek to safeguard the development and carrying capacity of the national road infrastructure along the existing N78 corridor. New development along this route will be required to accord with policies of the County Development Plan and official policy, which seeks to safeguard these routes from development, which would compromise the safety, integrity or capacity of these routes.”</i></p>	<p>Resolved: All Members resolved to accept the Chief Executive’s recommendation</p>

<p>18.</p>	<p>Proposed Material Alteration No. 17</p> <p>Insert the following new section after Section 7.8.1: 7.8.2 Employment Lands to the East of the Town <i>With regard to the employment lands zoned ‘H: Industrial and Warehousing’ to the east of the town (identified as Gallowshill in Table 6.3), it is considered that their strategic location, adjacent to the N78 (motorway link) and straddling the Athy Distributor Road, necessitates the preparation of a Strategic Transport Assessment (STA) of the subject lands to be carried out prior to their development. This assessment should demonstrate the quantum of development that can be facilitated at the location complementary to safeguarding the strategic function and safety of the national road network, in accordance with the provisions of official policy outlined in the Section 28 Ministerial Guidelines ‘Spatial Planning and National Roads Guidelines for Planning Authorities’ (DoECLG, 2012). Such an assessment will also need to identify an Access Strategy and any improvements required to the local transport network to accommodate the extent of development proposed. The STA should undertake relevant stakeholder consultation including with TII, the NTA and landowners and shall be considered in the context of any development proposals for this location.</i></p>	<p>Resolved: All Members resolved to accept the Chief Executive’s recommendation</p>
<p>19.</p>	<p>Proposed Material Alteration No. 18</p> <p>Amend text of objective MTO4.1, as follows: MTO4.1 (a) Maintain and improve, as required, the local road network to ensure a high standard of road quality and safety in accordance with the requirements of the relevant legislation. <i>(b) Safeguard the development and carrying capacity of the national road infrastructure along the existing N78 in accordance with the Section 28 Ministerial Guidelines ‘Spatial Planning and National Roads Guidelines for Planning Authorities’ (DoECLG, 2012).”</i></p>	<p>Resolved: All Members resolved to accept the Chief Executive’s recommendation</p>

20.	<p>Proposed Material Alteration No. 19</p>		
	<p>Amend text of objective MTO4.6, as follows: MTO4.6 Ensure that development proposals within Athy Town Centre are subject to a Traffic Transport Impact Assessment (TIA), to be carried out in accordance with the Traffic and Transport Assessment Guidelines (2014). The requirement for all other developments will be determined on a case by case basis. Transport Impact Assessments will also be required in the following cases: <i>(a) Development on all lands zoned C: New Residential and;</i> <i>(b) All other lands for which significant development is proposed within the Local Area Plan boundary.</i></p>	<p>Resolved: All Members resolved to accept the Chief Executive’s recommendation</p>	
21.	<p>Proposed Material Alteration No. 20</p>		
	<p>Insert the following new objective after objective MTO4.9 (along with any consequential amendments): MTO4.10 <i>To carry out a Strategic Transport Assessment (STA) and to produce an Access Strategy for lands zoned ‘H: Industrial and Warehousing’ situated to the east of Athy in consultation with relevant stakeholders including TII and the NTA, as well as landowners. This will identify the quantum of development that can be facilitated at the location complementary to safeguarding the strategic function and safety of the national road network, in accordance with the provisions of official policy outlined in the Section 28 Ministerial Guidelines ‘Spatial Planning and National Roads Guidelines for Planning Authorities’ (DoECLG, 2012). The STA will also identify any improvements required to the local transport network to accommodate the extent of development proposed.</i></p>	<p>Resolved: All Members resolved to accept the Chief Executive’s recommendation</p>	

22.	Proposed Material Alteration No. 21			
	Delete the following Walking and Connectivity Measures from Table 7.1 Walking and Connectivity Measures and Map Ref. 1.1 Movement and Transport (Walking and Connectivity Measures) : Extract of Table 7.1: Walking and Connectivity Measures (for illustrative purposes only)			Jane O'Reilly advised that items 22 and 23 on the agenda refer to Proposed Material Alterations No. 21 and 22, both relating to permeability measures. PMA No. 21 includes the removal of 10 walking connectivity measures from Table 7.1 of the Draft Plan. PMA No. 22 includes an alteration to WN18 and the inclusion if an alternative link at the Ard Scoil and Moneen Lane. The OPR recommends that the <u>planning authority is required to reinstate</u> the proposed deletions from Table 7.1 for the following reasons:
	B: Walking / Connecting Options – New Infrastructure			
	Option	Description	Type	Timeframe
	WN8	Coney Green– Glebelands	New Link	MT
WN9	Chanterlands – New residential lands. As part of new development	New Residential Lands Link	Timeline dependent on when lands are developed	
WN10	Kingsgrove – New residential lands and link to ADR via section of Aughaboura Rd. As part of new development	New Residential Lands Link	Timeline dependent on when lands are developed	
WN11	Mansfield Grove – Athy Distributor Road footpath/ cycleway	New Link	MT	
			<ul style="list-style-type: none"> • The removal of the measures undermines the vision statement and objectives for walking/cycling and improved connectivity in the Plan. • It undermines the Council’s Climate Adaptation Strategy and the Government’s Transport Policy for Ireland. <p>It is noted that these 10 measures form part of a suite of 37 measures which have been included to make walking an easy and viable option for people for short journeys, especially to facilitate walking to school or to work. It is the Chief Executive’s recommendation that Proposed Material Alterations No. 21 and No. 22 are not adopted. Cllr. Breslin noted the Chief Executive’s recommendation and the advice of the O.P.R. but would generally disagree on antisocial issues. Cllr. Behan agreed. Amy Granville advised that links are part of the Area Based Transport Strategy to improve movement within the town and would also require a Part 8 procedure which in itself would be subject to a separate public consultation.</p>	

	WN1 2	New residential lands site at Ardrew, including links to: <i>Athy Distributor Road Fortbarrington Rd (incl. new footpath on west side of road) Ardrew Meadows Corán Ard x2 – via perimeter of new pitches</i>	New Residential Lands Link	Timeline dependent on when lands are developed	<p>The Members agreed to vote on each option individually and voted as follows; WN8 –All against Chief Executives Recommendation WN9 – All against Chief Executives Recommendation WN11 -All against Chief Executives Recommendation WN13 – Cllr. Behan, Breslin, Dooley & Keatley against the C.E. Recommendation & Cllr. Leigh in favour WN14 -All against Chief Executives Recommendation WN15 -All against Chief Executives Recommendation WN16 -All against Chief Executives Recommendation WN17- All against Chief Executives Recommendation WN18 - Cllr. Behan, Breslin, Dooley & Keatley against the C.E. Recommendation & Cllr. Leigh in favour WN19 -All against Chief Executives Recommendation WN20 -Cllrs. Dooley, Behan & Keatley voted against the CE recommendation & Cllrs. Breslin & Leigh voted to accept the CE Recommendation</p> <p>Cllr. Breslin requested a suspension of standing orders, seconded by Cllr. Leigh. The meeting was suspended. The meeting resumed on proposal of Cllr. Breslin, seconded by Cllr leigh. Cllr. Breslin proposed that items WN10 and WN12 also be removed. Amy Granville advised that the advice with respect to the removal of the W10 and W12 connectivity links remains the same and their inclusion form part of an overall strategy, however agreed that their removal would be considered minor in nature. The Members voted and resolved unanimously to remove WN10 and WN12. The Members were reminded of their obligation under Section 20 (3) (R) of the Planning and Development Act</p>
	WN1 3	Moneen Lane—New residential lands. Along Moneen River and via rail underpass	New Link	MT	
	WN1 4	New residential lands—Geraldine Road. As part of new development	New Residential Lands Link	Timeline dependent on when lands are developed	
	WN1 5	New residential lands—Hollands Close, as part of new development	New Residential Lands Link	Timeline dependent on when lands are developed	
	WN1 6	Rheban Avenue and Moneen View—Moneen River. Connects to WN15	New Link	MT	

	WN1 7	Hollands Park– Moneen View (currently an informal path)	New Link	ST	2000 as amended. The members noted their reasons for not accepting the CEs recommendations.
	WN1 8	Moneen Lane– Stanhope Street, with offshoot into school. Links to bridge (WN6)	New Link	MT	
	WN1 9	WN20–Ard Bhearú and White Castle Lawn. Connectivity links within new residential area. As part of new development.	New Resident ial Lands Link	Timeline dependent on when lands are developed	
	WN2 0	Links into Schools Campus from residential estate to the south	New Link	MT	

Item No.	Proposed Material Alteration No. 22							
23.	Replace Walking and Connectivity Measures WN18 with proposed connectivity measure WN18a in Table 7.1 Walking and Connectivity Measures and Map Ref. 1.1 Movement and Transport (Walking and Connectivity Measures) , as follows:	Amy Granville advised the Members that in light of the decisions taken with respect to Item No. 22 the Chief Executive will accept the addition of WN18a.						
	B: Walking / Connecting Options – New Infrastructure	Resolved; All Members resolved to accept the Chief Executive’s revised recommendation						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #008080; color: white;">Option</th> <th style="background-color: #008080; color: white;">Description</th> <th style="background-color: #008080; color: white;">Type</th> <th style="background-color: #008080; color: white;">Timeframe</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		Option	Description	Type	Timeframe		
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	<p>WN18a Link to provide for an additional access point to Ardscoil na Trionoide.</p>	<p>New Link</p>	<p>MT</p>	
<p>PMA Map 1: Proposed Material Alteration No. 22 (illustrating route of WN18a)</p>				

Chapter 8: Built Heritage and Architecture

Item No.	Proposed Material Alteration No. 23	
24.	Insert the following new objective after BH1.8: BH1.9 <i>Explore the feasibility of restoring the dry dock in Athy, in consultation with Waterways Ireland.</i>	Resolved: All Members resolved to accept the Chief Executive’s recommendation
25.	Proposed Material Alteration No. 24 (a and b) (a) Include a new View/Prospect in Figure 8.1 and Table 8.2, along with consequential amendments to the Athy	Resolved:

	<p>Architectural Conservation Area (ACA) Statement of Character, as follows: <i>View H: View towards Horse Bridge and River Barrow Sluice Gate</i></p> <p>(b) Include a new View/Prospect in Figure 8.1 and Table 8.2, along with consequential amendments to the Athy Architectural Character Conservation Area (ACA) Statement of Character, as follows: <i>View I: View from the Canal lock at William Street down the Canal Side towards the Dominican Lands.</i></p>	All Members resolved to accept the Chief Executive’s recommendation
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26.	Proposed Material Alteration No. 25	
	<p>Amend text of objective BH2.5, as follows: BH2.5 Review all applications for demolition, modifications or extensions to existing buildings with regard to its <i>their</i> relative importance to the appreciation of the character of the ACA as identified in the Building Inventory of the Statement of Character.</p>	<p>Resolved: All Members resolved to accept the Chief Executive’s recommendation</p>

Chapter 9: Natural Heritage, Green Infrastructure and Strategic Open Space

Item No.	Proposed Material Alteration No. 26	
27.	<p>Insert the following objective following objective NH1.6: NH1.7 <i>Ensure that any proposals for the lighting/flood lighting of waterways infrastructure, buildings or pedestrian/cycling routes along waterways within the Plan area incorporate bat friendly lighting schemes as set out in ‘Bats and Lighting, Guidance Notes for: Planners, engineers, architects and developers’ (Bat Conservation Ireland, December 2010).</i></p>	<p>Resolved: All Members resolved to accept the Chief Executive’s recommendation</p>

28.	Proposed Material Alteration No. 27	
	Amend text of objective GI1.7, as follows:	Resolved:

	<p>GI1.7 (a) Maintain a biodiversity protection zone of 60 metres from the top bank of the River Barrow <i>(including all areas covered by the River Barrow and River Nore SAC)</i>, 20 metres from the canal and not less than 10 metres from the top bank of smaller watercourses, with the full extent of the protection zone to be determined on a case by case basis by the Planning Authority, based on site specific characteristics and sensitivities. Strategic green routes and trails will be open for consideration within the biodiversity protection zone, subject to appropriate safeguards and assessments.</p> <p><i>(b) Ensure that any development on the lands zoned ‘H: Industrial and Warehousing’ located adjacent to the River Barrow at Townparks incorporates an appropriately landscaped riparian zone to seamlessly integrate with the lands to the south and east, which are subject to the development of a masterplan under objective OS1.8.</i></p> <p>Proposed Material Alteration to include any consequential amendments to the Plan, including the denotation of objective GI1.7(B) on Map Ref. 5 Strategic Open Space Map.</p>	<p>All Members resolved to accept the Chief Executive’s recommendation</p>
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<p>29.</p>	<p>Proposed Material Alteration No. 28</p> <p>Amend the text of objective GI1.10, as follows:</p> <p>GI1.10 Promote appropriate tree planting <i>and pollinator friendly planting, in accordance with the recommendations of the All Ireland Pollinator Plan throughout Athy and in open spaces within new developments in order to enhance local biodiversity, visual amenity and surface water management.</i> within the public realm with a particular focus on strategic open spaces as well as along transport networks.</p>	<p>Resolved:</p> <p>All Members resolved to accept the Chief Executive’s recommendation</p>
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Item No.	Proposed Material Alteration No. 29	
30.	<p>Amend the first paragraph of Section 10.1.1 as follows:</p> <p>Census 2016 records that 92.5% of all households in the settlement of Athy are connected to the public mains network. The average water demand in the town is 3 million litres per day, as of Summer 2020. Since 2013 Athy has been served by the Srowland Water Treatment Plant located the north of the town. This plant replaced all four previous sources and has the capacity to serve 11,000 population equivalent (PE). While there are no specific constraints on the water supply network Irish Water (IW) advises that there is limited capacity at the treatment works and new connections will be on a first come/first served basis. It is noted that capacity will have to be expanded to accommodate the envisaged growth in the town over the life of the Plan.</p> <p><i>Census 2016 records that 92.5% of all households in the settlement of Athy are connected to the public mains network. The average water demand in the town is 3 million litres per day, as of Summer 2020. Since 2013, Athy has been served by the Srowland Water Treatment Plant, located to the north of the town.</i></p> <p><i>While Athy is supplied from Srowland WTP, it also forms part of the overall Greater Dublin Area Water Resource Zone. Supply in this Water Resource Zone is constrained, therefore new connections will be prioritised for housing and domestic sanitation purposes. Connections for Non-Domestic supplies will be accommodated on a first come first served basis. To protect current supplies, applicants for non-domestic demand may be asked to review their demand requirements. Irish Water are developing the National Water Resource Plan which will identify solutions to improve supply over the life of this plan.</i></p>	<p>Resolved: All Members resolved to accept the Chief Executive’s recommendation</p>

<p>31.</p>	<p>Proposed Material Alteration No. 30</p>	
	<p>Amend the second paragraph of Section 10.1.2 as follows: Figures from 2019 show the loading recorded as 12,898PE leaving a treatment capacity of 2,102PE. It is noted that there are no major infrastructural constraints on the foul sewer network within the town. However, it is anticipated that it will be necessary to extend the plant to beyond 15,000PE before 2027 to meet the envisaged additional domestic and non-domestic demand within the town.</p> <p><i>Following some recent modelling of the sewer network, some issues are appearing in a few areas that will require new systems to be implemented with the growth of the catchment. Where there are constraints, applications for developments would be on a first come, first served basis. If no project is associated with a constrained area, then any infrastructure improvements or upgrades will be developer led. Irish Water can work with developers to form the best solution for a particular site. This would be through the Connections and Developer Services section of Irish Water’s website: https://www.water.ie/connections/developer-services/ There should be sufficient headroom at Athy wastewater treatment plant to provide for the majority of the projected domestic population. However, as above, this will be on a first come, first served basis.</i></p>	<p>Resolved: All Members resolved to accept the Chief Executive’s recommendation</p>
<p>32.</p>	<p>Proposed Material Alteration No. 31</p>	
	<p>Insert the following new objective after objective IO2.3 and renumber subsequent objectives accordingly: IO2.4 <i>Ensure that the capacity and efficiency of the national road network drainage regimes will be safeguarded for national road drainage purposes.</i></p>	<p>Resolved: All Members resolved to accept the Chief Executive’s recommendation</p>

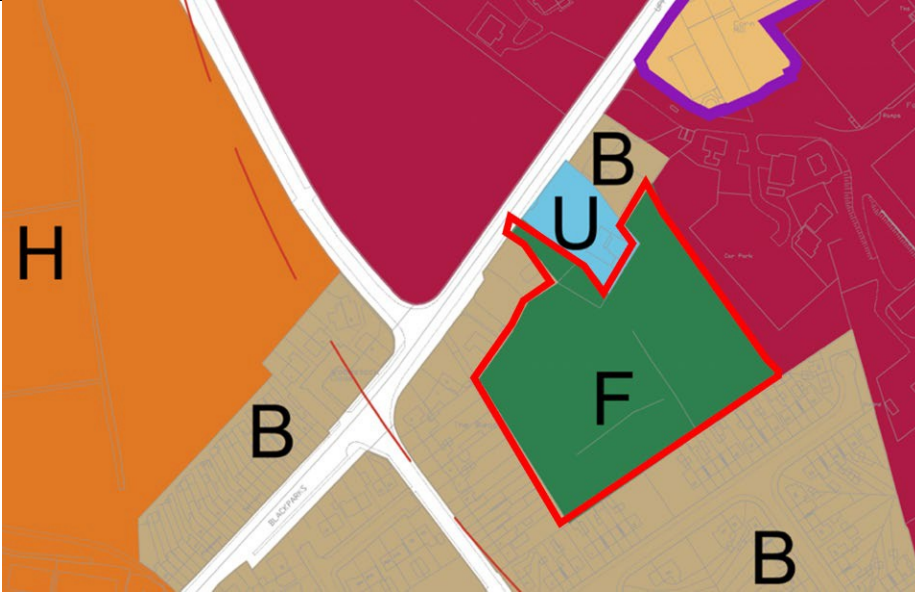
33.	Proposed Material Alteration No. 32	
	<p>Insert the following new section after Section 10.3.1</p> <p><i>Section 10.3.2 Site Specific Flood Risk Assessment</i></p> <p><i>All development proposals taking place in areas that KCC have applied a Justification Test, where a residual flood risk remains, should be supported by an appropriately detailed Site-Specific Flood Risk Assessment (SSFRA). The level of detail within the FRA will depend on the risks identified and the land use proposed. Applications should apply the use of the sequential approach in terms of the site layout and design and, in satisfying the Justification Test (where required), the proposal must demonstrate that appropriate mitigation and management measures are put in place. The development should ensure that no encroachment onto, or loss of, the flood plain shall occur. Only water compatible development such as Open Space would be permitted for the lands which are identified as being at risk of flooding within that site. For any development in flood risk areas that meet the Development Plan Justification Test, a Development Management Justification Test must then be applied. Development must satisfy all of the criteria of the Development Management Justification Test as per Box 5-1 of the Flood Risk Management Guidelines. This chapter provides a broad overview of the requirements of FRAs which should accompany planning applications.</i></p>	<p>Resolved:</p> <p>All Members resolved to accept the Chief Executive’s recommendation</p>
34.	Proposed Material Alteration No. 33	
	<p>Amend the following objective:</p> <p>IO3.2 Ensure development proposals within the areas <i>where Kildare County Council have applied a Justification Test and where residual flood risk remains as</i> outlined on the Flood Risk Map (<i>Map</i></p>	<p>Resolved:</p> <p>All Members resolved to accept the Chief Executive’s recommendation</p>

	<p><i>Ref. 2)</i> are the subject of a Site-Specific Flood Risk Assessment, appropriate to the nature and scale of the development proposed.</p>	
35.	<p>Proposed Material Alteration No. 34</p> <p>Insert the following new objective after objective IO3.4: <i>IO3.5 Ensure that all development proposals apply the sequential approach in terms of the site layout and design and, in satisfying the Justification Test (where required), the proposal shall demonstrate that appropriate mitigation and management measures are put in place. The development proposals should ensure that no encroachment onto, or loss of, the flood plain shall occur. Only water compatible development such as Open Space would be permitted for the lands which are identified as being at risk of flooding within that site.</i></p>	<p>Resolved: All Members resolved to accept the Chief Executive’s recommendation</p>
36.	<p>Proposed Material Alteration No. 35</p> <p>Insert new Map Ref. 2a which illustrates Flood Risk Zones and SSFRA overlaid on the LAP Land Use Zoning Map (Map Ref. 6 Land Use Zoning Map). See PMA Map 12 at end of report.</p>	<p>Resolved: All Members resolved to accept the Chief Executive’s recommendation</p>
37.	<p>Proposed Material Alteration No. 36</p> <p>Remove the woodland/scrub designation from the triangular wooded area (as outlined in red on map below) on Map Ref. 4 Green Infrastructure Map. PMA Map 2: Proposed Material Alteration No. 36</p>	<p>Resolved: All Members resolved to accept the Chief Executive’s recommendation</p>

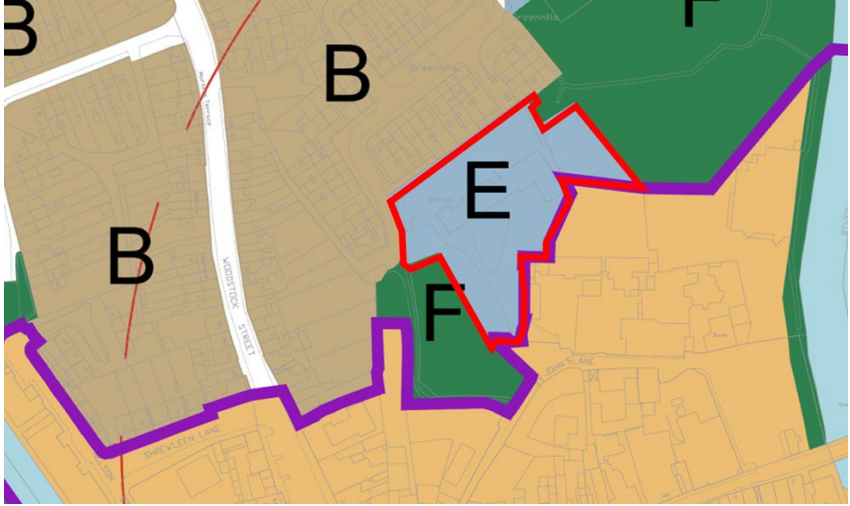


Chapter 11: Implementation

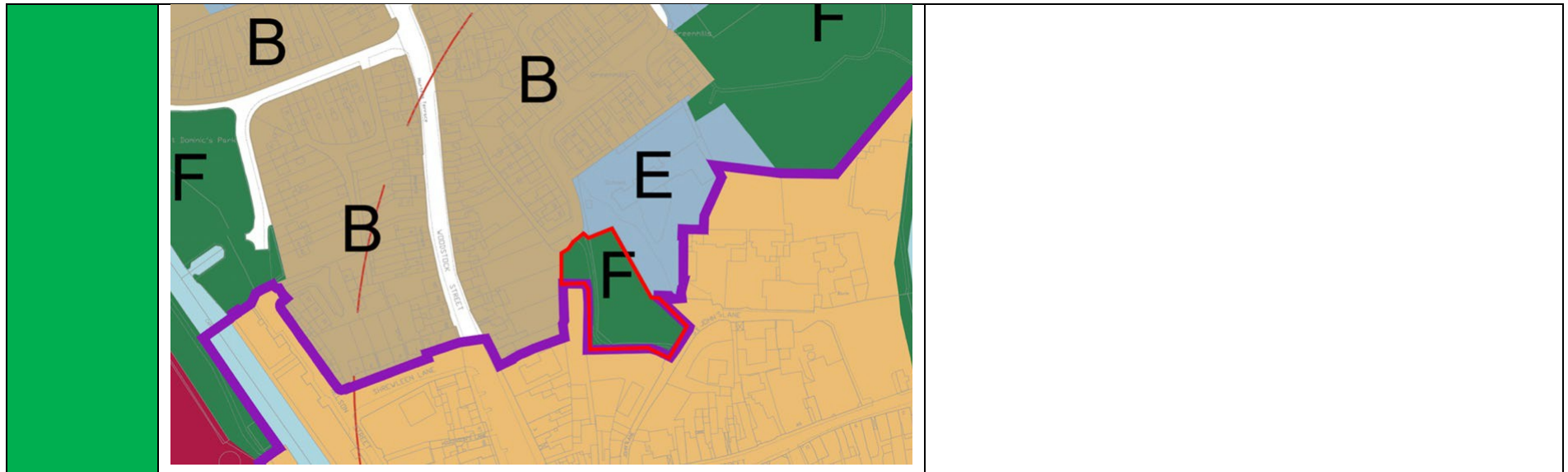
<p>38.</p>	<p>Proposed Material Alteration No. 37</p> <p>Amend Map Ref. 6 Land Use Zoning Map to change the zoning designation of Etex lands from ‘Q: Employment and Enterprise’ to ‘H: Industrial and Warehousing’ (see Map 11 at end of report for Proposed Material Alteration No. 37). Proposed Material Alteration to include any consequential amendments to the Plan.</p>	<p>Resolved: All Members resolved to accept the Chief Executive’s recommendation</p>
<p>39.</p>	<p>Proposed Material Alteration No. 38</p> <p>Amend Map Ref. 6 Land Use Zoning Map to include lands (as outlined in red on map below) to the west of the Etex Ireland campus as ‘H: Industrial and Warehousing’. Proposed Material Alteration to include any consequential amendments to the Plan.</p> <p>PMA Map 3: Proposed Material Alteration No. 38</p>	<p>Resolved: All Members resolved to accept the Chief Executive’s recommendation</p>

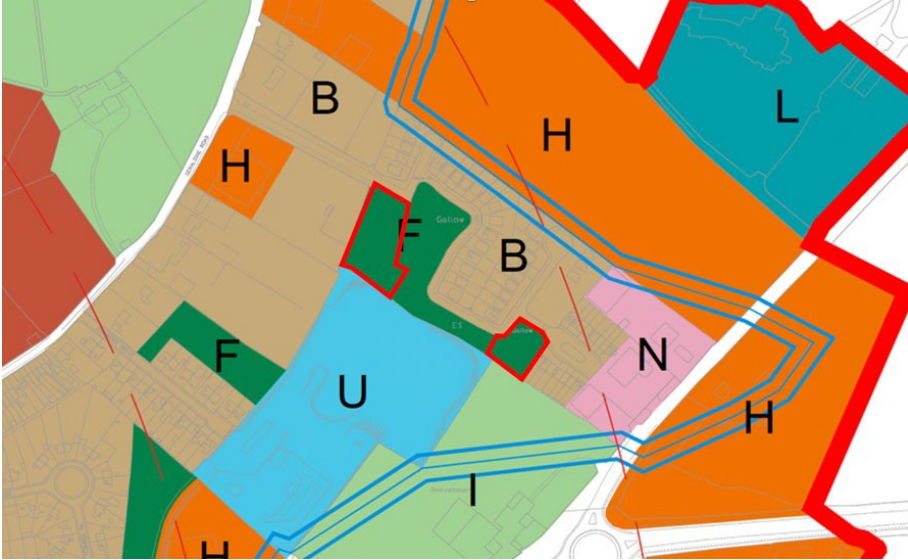
		
	<p>Insert new specific development objective a) and b) in Table 11.3, as follows:</p> <p><i>H lands – Athy West (Bennetsbridge Road)</i></p> <ul style="list-style-type: none"> <i>a) Access to these lands shall be via the existing industrial lands to the immediate east. No further access shall be permitted on to the N78 national primary route.</i> <i>b) The development of these lands shall be subject to a site-specific transport assessment to protect the integrity and carrying capacity of the N78 at this location.</i> 	

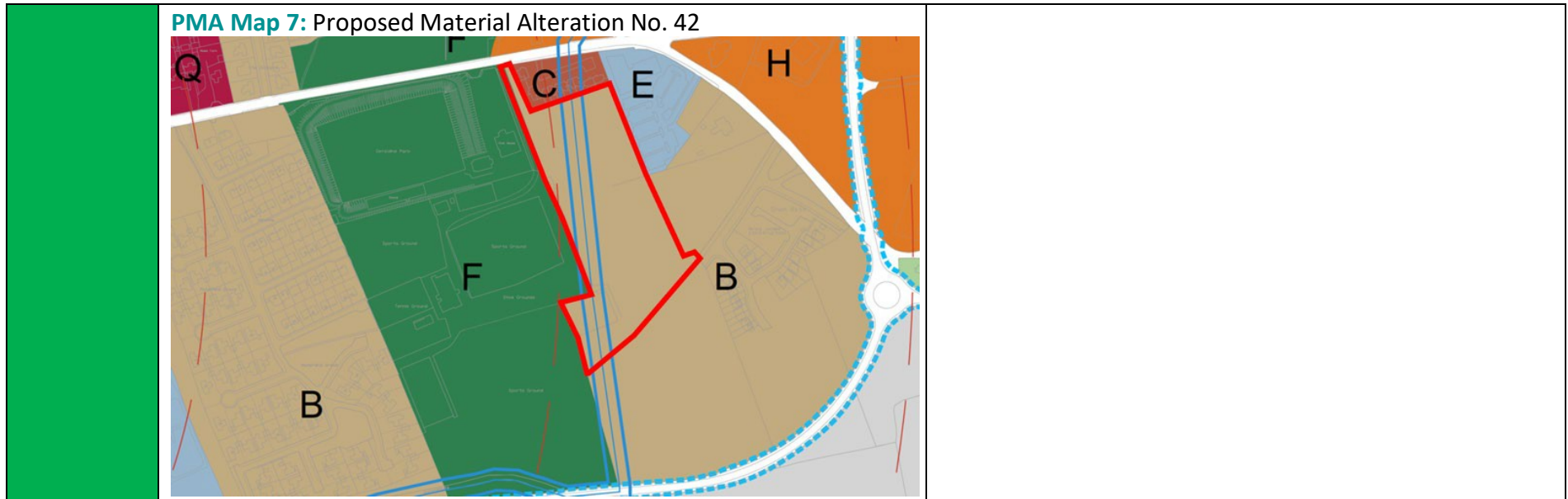
40.	Proposed Material Alteration No. 39	
	<p>Amend the zoning designation on Map Ref. 6 Land Use Zoning Map for the site occupied by the former St. Patrick’s National School (as outlined in red on the map below) on St. John’s Lane from ‘E: Community and Educational’ to ‘A: Town Centre’.</p>	<p>Resolved: All Members resolved to accept the Chief Executive’s recommendation</p>

	<p>PMA Map 4: Proposed Material Alteration No. 39</p> 	
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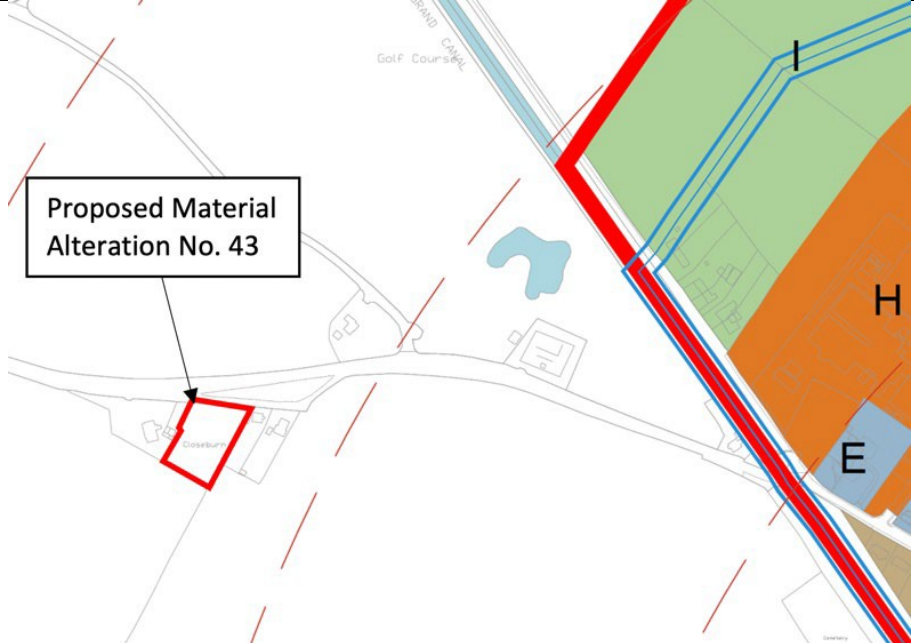
<p>41.</p>	<p>Proposed Material Alteration No. 40</p>	
	<p>Amend the zoning designation on Map Ref. 6 Land Use Zoning Map on the lands (as outlined in red on PMA Map 5 below) from 'F: Open Space and Amenity' to 'A: Town Centre'. Proposed Material Alteration to include any consequential amendments to the Plan.</p> <p>PMA Map 5: Proposed Material Alteration No. 40</p>	<p>Resolved: All Members resolved to accept the Chief Executive's recommendation</p>



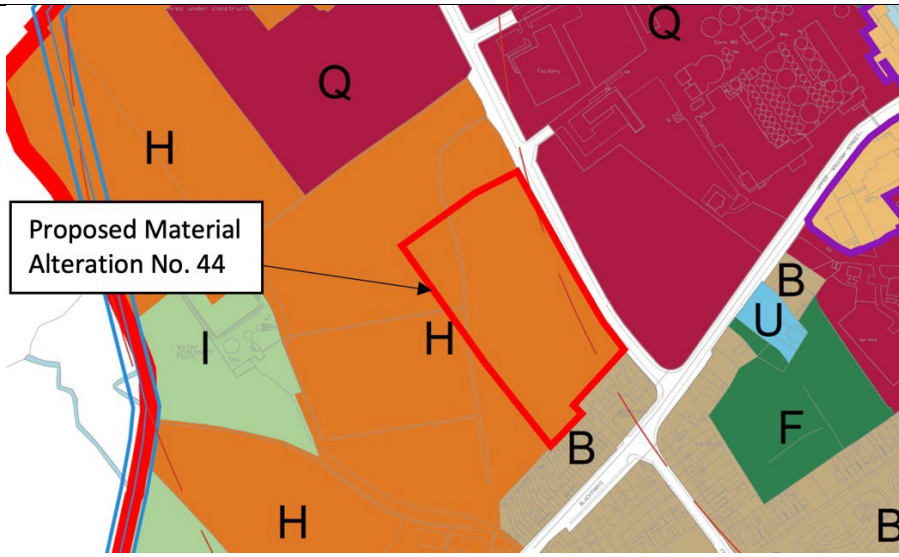
42.	<p>Proposed Material Alteration No. 41</p> <p>Amend the zoning designation on Map Ref. 6 Land Use Zoning Map for the sites (as outlined in red on PMA Map 6 below) from 'F: Open Space and Amenity' to 'B: Existing Residential/Infill' as per KCC Plan Ref. 15/1144. Proposed Material Alteration to include any consequential amendments to the Plan.</p> <p>PMA Map 6: Proposed Material Alteration No. 41</p> 	<p>Resolved: All Members resolved to accept the Chief Executive's recommendation</p>
43.	<p>Proposed Material Alteration No. 42</p> <p>Amend Map Ref. 6: Land Use Zoning Map by amending the land use zoning objective on the extent of lands as outlined in KCC Plan Ref. 18/184 from 'B: Existing Infill/Residential' to 'F: Open Space and Amenity' (as outlined in red on map below). This amendment shall also include the lands included in folio KE1140 that are not already zoned 'F: Open Space and Amenity'. Proposed Material Alteration to include any consequential amendments to the Plan.</p>	<p>Resolved: All Members resolved to accept the Chief Executive's recommendation</p>



44.	Proposed Material Alteration No. 43	
	<p>Amend Map Ref. 6: Land Use Zoning Map by zoning the area identified by Submission No. 43 in the Chief Executive’s Report on the Submissions Received to the Draft Athy Local Area Plan 2021 – 2027 (dated 19th March 2021) as existing residential zoning (as outlined in red on PMA Map 8 below). Proposed Material Alteration to include any consequential amendments to the Plan.</p> <p>PMA Map 8: Proposed Material Alteration No. 43</p>	<p>Jane O’Reilly advised that this item refers to Proposed Material Alteration No. 43, the zoning of a site (approx. 1 acre) as ‘Existing Residential’, located approx. 500m from the LAP Boundary at Woodstock North on the R428 Stradbally Road.</p> <p>The OPR has recommended that the Planning Authority is required to remove the proposed rezoning of the lands for the following reasons:</p> <ul style="list-style-type: none"> • It would result in leap frogging of development to remote areas removed from services and infrastructure of the town. • It would undermine the vision of the plan which supports compact and sequential development.

		<ul style="list-style-type: none"> It would lead to ribbon development which is contrary to Section 28 Guidelines for Sustainable Rural Housing. <p>This haphazard and sporadic zoning, 500m beyond the LAP boundary, is not in accordance with the proper planning and sustainable development of the area and It is the Chief Executive’s recommendation that Proposed Material Alteration No. 43 is not adopted.</p> <p>Resolved; The Members resolved, with all members voting in favour, to accept the Chief Executive’s Recommendation.</p>
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<p>45. (See Items No. 9 and 46 also)</p>	<p>Proposed Material Alteration No. 44 (a, b and c) [see also Proposed Material Alteration No. 8]</p>	
	<p>(a) Amend Map Ref. 6: Land Use Zoning Map by changing the proposed ‘H: Industrial and Warehousing’ land use zoning designation to ‘R: Retail’ on the land identified by Submission No. 55 in the Chief Executive’s Report on the Submissions Received to the Draft Athy Local Area Plan 2021 – 2027 (dated 19th March 2021) (as outlined in red on PMA Map 9 below). Proposed Material Alteration to include any consequential amendments to the Plan.</p> <p>PMA Map 9: Proposed Material Alteration No. 44</p>	<p>Resolved; The Members resolved, with all members voting in favour, to accept the Chief Executive’s Recommendation</p>



(b) Amend **Table 11.3 Land Use Zoning Objectives** by inserting the land use zoning objective 'R: Retail' Land Use Zoning Objective as follows:

Ref	Use	Land Use Zoning Objectives
<i>R</i>	<i>Retail</i>	<i>To provide for retail activities.</i>

Land Use	A – Town Centre	B - Existing Residential/Infill	C – New Residential	E – Community and Educational	F – Open Space and Amenity	N – Neighbourhood Centre	H - Industrial and Warehousing	I - Agriculture	Q – Enterprise & Employment	L – Leisure and Amenity	U – Transport and Utilities	R – Retail
	Amusement Arcade	O	N	N	N	N	N	N	N	N	N	N
Agricultural Buildings	N	N	N	N	N	N	O	Y	N	N	N	N
Car Park (other than ancillary)	Y	N	N	O	N	O	O	N	O	O	O	N
Betting Office	O	N	N	N	N	O	N	N	N	N	N	N
Cemetery	N	N	N	Y	N	N	N	O	N	N	N	N
Cinema	O	N	N	N	N	N	N	N	N	N	N	N
Community/ Recreational/Sports buildings	Y	O	O	Y	Y	O	N	O	N	Y	N	N
Crèche/Playschool	Y	O	Y	Y	N	O	N	N	O	O	N	N
Cultural Uses/ Library	Y	O	O	Y	O	O	N	N	N	O	N	N
Dancehall / Disco	O	N	N	N	N	N	N	N	N	O	N	N
Dwelling	Y	Y	Y	O ²	N	O	N	O ₃	N	N	N	N
Emergency Residential Accommodation	Y	O	O	Y	N	Y	N	N	N	O	N	N

² Ancillary to health/community use, and/or to meet special accommodation needs.

³ Subject to Rural Housing Policy as outlined in the Kildare County Development Plan.

	Funeral Homes	Y	N	N	O	N	O	N		N	N	N	N	N
	Garage / Car Repairs	N	N	N	N	N	N	Y		N	N	N	N	N
	Group/Special Accommodation Needs ⁴	Y	Y	Y	O	N	O	N		O	N	N	N	N
	Guest House/Hotel/ Hostel	Y	O	O	N	N	O	N		O	N	Y	N	N
	Heavy Commercial... ...Vehicle Park	N	N	N	N	N	N	Y		N	N	N	O	N
	Hot Food take away	O	N	N	N	N	O	N		N	N	N	N	N
	Industry (Light)	O	N	N	N	N	N	Y		N	O	N	N	N
	Industry (General)	N	N	N	N	N	N	Y		N	N	N	O	N
	Medical Consultant / Health Centre	Y	O	O	Y	O ⁵	Y	N		N	O	O	N	N
	Motor Sales	O	N	N	N	N	N	Y		N	N	N	N	N
	Nursing Home	Y	Y	Y	O	N	N	N		O	N	N	N	N
	Offices	Y	O ⁶	O ₅	N	N	O	O		N	O	N	N	N
	Park/Playground	Y	Y	Y	Y	Y	O	N		O	N	Y	N	N
	Petrol Station	N	N	O	N	N	O	Y		N	O	N	O	N
Place of Worship	Y	O	O	Y	N	O	N		N	N	O	N	N	

⁴ For further information on group/special accommodation needs refer to Section 4.4.1 of this Plan.

⁵ Only where the existing Open Space and Amenity can be offset to a suitable alternative site.

⁶ Proposals of this nature shall be restricted to circa 100m².

	Playing Fields	O	O	O	Y	Y	N	N
	Pub	Y	N	O	N	N	O	N
	Restaurant	Y	O	O	N	N	O	N
	School	Y	O	O	Y	O	N	N
	Shop (Comparison)	Y	N	N	N	N	N	N
	Shop (Convenience)	Y	O ⁷	O ₆	N	N	O ⁸	N
	Stable Yard	N	N	N	N	O	N	N
	Tourist Related Facilities	Y	O	O	O	O	O	N
	Utility Structures	O	O	O	O	O	O	O
	Warehouse (Wholesale) / Store / Depot	O	N	N	N	N	N	Y
(c) Amend Table 11.5 Land Use Zoning Matrix as follows:								
46.	Motion: Cllr. Keatley, Cllr. Breslin, Cllr. Behan and Cllr. Dooley							
	In order to secure New Retail Development, it is incumbent on the elected members and CEO to take into consideration that where a proposed retail development is of a scale that cannot be facilitated within town centre, and after all options/possibilities/opportunities have fully been exhausted including where a full planning application has been lodged and a decision has issued. The objective is then for the proposed developer to be facilitated in adjoining lands which are							

⁷ No single unit shall exceed 100 m² of the net retail space.

⁸ No single unit shall exceed 200 m² of the net retail space to a maximum number of three units. The total net retail space shall not exceed 300 m².

	<p>not town centre following an appropriate and detailed report and analysis by the local authority planners as outlined in Material Alterations No 8 & No 44.</p>	
	<p>Chief Executive’s Opinion This motion requests that should a planning application for a retail development be unsuccessful within the town centre in the first instance, the objective is then for the proposed developer to be facilitated in adjoining lands. The response to this motion considers the following:</p> <ul style="list-style-type: none"> (i) The research undertaken to prepare the draft plan, (ii) A brief critique of the Leinster Street site (i.e. Regeneration Site in Figure 3.15 of the Urban Regeneration Framework) and the site to the west of the town centre (off Bennettsbridge Road/N78) to which PMA No.’s 8 and 44 refers, and (iii) A final conclusion regarding retail planning in general. <p><u>Background</u> In preparation of the Athy Local Area Plan, a comprehensive urban analysis of the town centre was undertaken to assess the scope for regeneration opportunities. This exercise acknowledged the need and potential benefits arising from the development of a new anchor retail unit within the town centre.</p> <p>Several locations were assessed with regard to their capacity to accommodate such a relatively large footprint. The compact and historic nature of the town centre meant that only a limited number of sites were deemed suitable for development. Furthermore, several sites had to be discounted for reasons relating to environmental sensitivity and flood risk.</p>	<p>Resolved; The Members resolved, with all members voting in favour, to accept the Chief Executive’s Recommendation for an amended objective UCRO2.4</p>

Other considerations such as the logistical difficulties presented by the need for site assemblage in some parts of the town were also taken into account. This exercise was not conducted in isolation but was heavily linked to both the development of the Urban Regeneration Framework (Appendix 1 to the Draft LAP) and the preparation of the Area Based Transport Assessment (ABTA).

The result of this process was that the 1.45 hectare site to the rear of Leinster Street was selected as having the best potential for redevelopment within the life of the Plan.

Leinster Street Site Attributes

It is considered that the site to the rear of Leinster Street, as identified in Figure 3.15 of the Urban Regeneration Framework, presents the best option in terms of consistency with strategic planning and retail policy, accessibility, deliverability, sustainability and its ability to contribute to the meaningful regeneration of the town.

The following points outline the key attributes of the site:

- The development of this site for retail purposes is consistent with the Section 28 Retail Planning Guidelines for Planning Authorities (2012), including the sequential approach to retail development which seeks to locate new retail developments within the town centre in the first instance as this contributes towards improving the vitality and vibrancy of the town. Athy town centre is already suffering from the significant effects of vacancy and it is considered that an out-of-centre convenience retail outlet would seriously compound this situation by undermining the regeneration and future prospects, potential and viability of the town centre.

	<ul style="list-style-type: none">• The development of this site for retail purposes is consistent with the policies contained in the Kildare County Development Plan 2017-2023 (as varied) namely Policies R2, R3, R4, R23 and Policy R22 where it is the policy of the Council to <i>'Promote and encourage major enhancement and expansion of the retail offer and town centre functions of Athy and Kildare Town to sustain and enhance their importance as Sub-County Town Centres within the South Sub-Area of the county'</i>.• The development of the site for retail purposes, taking into consideration the town centre location adjacent to the designated Core Retail Area of Athy is entirely consistent with the policies and objectives of the draft Athy Local Area Plan and forms a critical element of the Plan's Urban Regeneration Strategy. A new retail development at this location would undoubtedly breathe new life into the town centre and act as a catalyst for attracting other commercial uses to the vicinity.• In terms of deliverability, the site is considered to be serviced and it is noted that it received full planning permission for large scale redevelopment in 2008 under Planning Ref: 07/300058 (87 apartments, 5 office units, 23 retail units, a 3,751m² retail anchor unit, and a multistorey car park). Permission was extended in 2014 but not commenced. Furthermore, site assemblage is not considered to be a significant issue.• The key transport improvements contained in the ABTA for the town centre are contingent on the redevelopment of this site. The regeneration of these lands will not only create a more connected and accessible town centre but also provide for a transformation of the public realm and urban environment along Leinster Street which will be reduced to one-lane traffic, as part of a traffic counterflow system.	
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- The site is situated at a strategic location and accordingly has the potential to play an outsized role in spurring the regeneration of the town centre, acting as a counterbalance to the regenerated Dominican Lands across the River Barrow to the west.

It is acknowledged that the site to the rear of Leinster Street presents with some perceived constraints in terms of development. However, this is a feature that is common to all town centre brownfield sites and can be overcome by purposeful and conscious design and mitigation measures.

Figure 3.15 of Appendix 1 provides an *'Indicative Design Framework'*, which implies that flexibility can be applied to the overall layout and design of any development proposed. In this regard, it should be noted that the site complies with National Strategic Outcome 1 'Compact Growth' and National Policy Objective 11 of the National Planning Framework which states: *'In meeting urban development requirements there will be a presumption in favour of development that can encourage more people and generate more jobs and activities within existing cities, towns and villages, subject to development meeting appropriate planning standards...'*

It is in this context that Kildare County Council will pursue the regeneration of key sites within Athy Town Centre. Accordingly, the Planning Department is willing to engage with all key stakeholders for the purposes of applying imaginative, flexible and innovative design solutions to overcome potential development constraints within the site.

Site to West of Town (off Bennetsbridge Road/N78) - PMA No. 8 and 44

Whilst the site subject to Proposed Material Alterations No. 8 and No. 44 may be favoured by potential developers for retail development due to its greenfield location, it is an 'out-of-centre' site and therefore its development for retail purposes must be carefully considered for the potential impact this will have on the town centre. An out-of-centre convenience retail outlet at this location will act as a counter weight to the core retail area and ultimately serve to undermine the regeneration and the future prospects, potential and viability of the town centre which are all accepted issues in terms of the future development of Athy.

The submissions received to the Proposed Material Alterations from Transport Infrastructure Ireland (TII) and the Office of the Planning Regulator (OPR) indicate that retail development at this location, adjacent to and served by the N78 National Secondary Route is considered to have the potential to undermine the strategic function of the N78 national road which would be contrary to national policy.

It is considered that the development of retail on this site is contrary to the policies, objectives and provisions of both the Draft Athy Local Area Plan 2021–2027 and the Kildare County Development Plan 2017–2023 (as varied). Furthermore, and as acknowledged by the Office of the Planning Regulator, any retail development on the site would be inconsistent with the sequential approach to retail development as set out in the Retail Planning Guidelines, which requires the promotion of healthy urban centres. It is noted that the guidelines state that *'new large-scale out-of-centre developments are likely to have an adverse impact on the*

vitality and viability of established city/town centres' (p. 32, Retail Planning Guidelines, 2012).

Conclusion

The Draft Local Area Plan identifies a potential site within Athy town centre that is based on evidence, is appropriate for retail development and would positively influence the vibrancy and vitality of the town. The principle of a retail development is acknowledged and established by the Draft Plan at this location. This is a plan led approach.

The motion specifically refers to an instance *where 'a proposed retail development is of a scale that cannot be facilitated within the town centre'*. It is considered that a retail development of an appropriate scale can be facilitated on the Leinster Street site. The scale of any retail proposal must be carefully considered for impacts on the town centre.

In the event that a planning application for a retail development is unsuccessful within the town centre, alternative locations may be considered on appropriately zoned land having regard to *inter alia* the policies and objectives of the Local Area Plan, of the County Development Plan and to the sequential approach to retail planning as set out in Section 28 Guidelines for Planning Authorities.

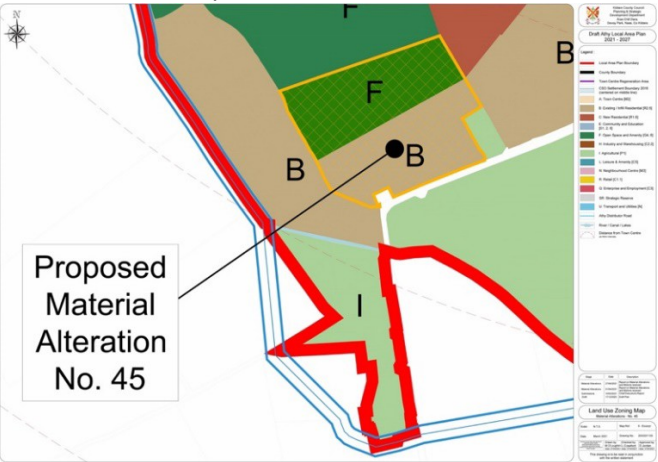
Chief Executive's Recommendation

Amend the text of Proposed Material Alteration No. 8 as follows (and renumber objectives accordingly):

UCRO2.4 In the event that proposals for new retail development on the regeneration site identified in Figure 3.15 of the Urban Regeneration Framework are unsuccessful, resulting from a

	<p><i>planning application, Any proposal on the land zoned 'R: Retail' for large scale convenience retail development on lands adjoining the town centre shall be considered subject to a Retail Impact Assessment. This assessment which shall be prepared in accordance with the Retail Planning Guidelines, pursuant to Section 28 of the Planning and Development Act 2000 (as amended). This shall include, but not be limited to, demonstrating compliance with the County Development Plan and that there will be no material and unacceptable adverse impacts on the vitality and viability of the town centre through the consideration of alternatives and after the examination of all other town centre sites are exhausted.</i></p>	
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47.	Proposed Material Alteration No. 45	
	<p>Amend Map Ref. 6: Land Use Zoning Map by zoning the area identified by Submission Nos. 42, 50 and 54 in the Chief Executive’s Report on the Submissions Received to the Draft Athy Local Area Plan 2021 – 2027 (dated 19th March 2021) to provide for 50% of the area to be retained as existing residential lands ('B: Existing Residential / Infill') and the remaining 50% of the lands adjacent to the Ardrew Key Development Area to the north, be designated as 'F: Open Space and Amenity' (see lands outlined in yellow in PMA Map 10 below). Proposed Material Alteration to include any consequential amendments to the Plan.</p> <p>As set out in the Chief Executive’s Report on Submissions received to the Proposed Material Alterations, it is recommended to amend Map Ref. 6: Land Use Zoning Map to include a site specific objective (the subject site will be denoted by a star on the map) to reflect the justification test by including the following text: <i>The area of land within the 'B' zone that is located within an area identified as a Flood</i></p>	<p>Resolved: All Members resolved to accept the Chief Executive’s recommendation</p>

	<p><i>Risk Assessment Zone shall be used for open space purposes only within any permitted residential development as part of the overall landholding.</i></p> <p>PMA Map 10: Proposed Material Alterations No. 45 (the area outlined in yellow where the northern 50% is proposed to be amended to have an 'F: Open Space and Amenity Zoning and the Southern 50% is to proposed to be retained as 'B: Existing Residential/Infill)</p> 	
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48.	Proposed Material Alteration No. 46	
	<p>Amend Table 11.5 Land Use Zoning Matrix to include a specific objective under land use zoning objective 'H: Industrial and Warehousing' to provide that 'Nursing Home' uses will be amended from 'N' (Not Permitted) to 'O' (Open for Consideration) on lands located to south/east of the R418 (formerly) identified as 'H3' in the Athy Development Plan 2012-2018 at Dublin Road/ Gallowshill.</p>	<p>Jane O'Reilly advised that this item refers to Proposed Material Alteration No. 46 which seeks to include 'Nursing Homes' as Open for Consideration on lands zoned 'H: Industry and Warehousing' at a specific location in Gallowshill.</p> <p>The OPR recommends that this is removed from the zoning matrix for the following reason:</p>

	Extract of Table 11.5: Land Use Zoning Matrix (for illustrative purposes only, PMA No. 46 refers to 'Nursing Home' category only)									<p>It would undermine the primary purpose of the industry and warehousing objective and supporting economic development objectives. It is the Chief Executive's recommendation that Proposed Material Alteration No. 46 is not adopted.</p> <p>Resolved; The Members resolved, with all members voting in favour, not to accept the Chief Executive's Recommendation The Members were reminded of their obligation under Section 20 (3) (R) of the Planning and Development Act 2000 as amended. The members noted their reasons for not accepting the CE's recommendations.</p>
	A – Town Centre	B - Existing Residential/Infill	C – New Residential	E – Community and Educational	F – Open Space and Amenity	N – Neighbourhood Centre	H - Industrial and Warehousing	I - Agriculture	Q – Enterprise & Employment	
	Y	Y	Y	O	N	N	N ¹	O	N	
	<p><i>¹ Nursing homes will only be 'Open for Consideration' within the zoning designation 'H; Industrial and Warehousing' on lands located to south/east of the R418 at Dublin Rd/ Gallowshill and denoted by 'H*' on Map Ref. 6 Land Use Zoning M.</i></p>									

MISC	Appropriate Assessment Determination	
	<p>Amy Granville brought the members attention to the Appropriate Assessment determination which has been made. In carrying out this Appropriate Assessment (AA), the Council is taking into account the matters specified under Part XAB of the Planning and Development Act 2000 (as amended), including the following:</p> <ul style="list-style-type: none"> • The AA Natura Impact Report prepared for the Draft Athy Local Area Plan 2021-2027. • The AA Natura Impact Report prepared for the Proposed Material Alterations to the Draft Athy Local Area Plan 2021-2027; 	

	<ul style="list-style-type: none">• Written submissions made on the Draft Plan, Proposed Material Alterations and associated documents, while they were placed on public display; and• Ongoing advice on AA from the Council’s agents. <p>It has been determined that there will be no likely significant effects on the integrity of any European Site.</p> <p>This determination is available for inspection should the members wish to review same.</p>	
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RESOLUTION:

Having considered the Proposed Material Alterations to the Draft Athy Local Area Plan 2021–2027 and the Chief Executive’s Report on Submissions and Observations received to the draft Plan, dated 19th March 2021 and pursuant to Section 20 of the Planning & Development Acts 2000 (as amended), incorporating the amendments proposed and agreed by the Members, resolved unanimously on the proposal of Cllr. Breslin, seconded by Cllr.Dooley that the Athy Local Area Plan 2021-2027 be made.

The Plan will come into effect on 14th September 2021.

PMA Map 11: Proposed Material Alterations to Map Ref. 6 Land Use Zoning Map (for illustrative purposes only)



PMA Map 12: Proposed Material Alteration 35 - Map Ref. 2a (illustrates Flood Risk Zones and SSFRA overlaid onto Map Ref. 6 Land Use Zoning Map)

